



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Mike Carroll
Secretary

November 12, 2015

Dennis Miles
*Regional Managing
Director*

Teddy and Kathleen Arias
509 SW Dahled Ave.
Port Saint Lucie, FL 34953

Certified Mail Receipt # 92148969009997901402864709

ADMINISTRATIVE COMPLAINT WITH NOTICE OF INTENT TO DENY A LICENSE

The State of Florida, Department of Children and Families, (hereinafter "Department") based upon the recommendations of Devereux Community Based Care and Camelot Community Care hereby issues its Notice of Intent to Deny the re-license application of Teddy and Kathleen Arias to operate as a foster home pursuant to sections 120.60 and 409.175(9), Florida Statutes, and Rule 28-106.107, and 65C-13, Florida Administrative Code.

Camelot Community Care, has made a recommendation to deny Mr. and Mrs. Arias' relicensing home study for the following grounds:

Pursuant to Department of Children and Families Operating Procedure No. 175-88, The Prevention and Placement of Child Victims and Aggressors Involved in Child-on-Child Sexual Abuse, Sexual Assault, Seduction or Exploitation in Substitute Care), page 4, section 7, Prevention of Child-on-Child Sexual Abuse:

The following safeguards must be used when placing a child known to be a sexual abuse victim or a sexual aggressor:

...

(f) Family Safety and Preservation staff or a provider agency serving the same function and the caregiver must outline together a plan of care for a sexually abused child or a sexually aggressive child to manage any issues identified in the child's history and assessments. The information outlined in paragraph 6c above will provide a basis for this child-specific safety plan.

(g) The following "house rules" are recommended when sexually victimized and sexually aggressive children are in substitute care placements:

...

(g) (7) "Establish reasonable guidelines concerning what level of supervision (auditory, visual, in the same room) is required for persons living in the home."

Circuit 19
337 North US 1 Fort Pierce, Florida 34950

Mrs. Arias violated a safety plan implemented to ensure appropriate supervision for a sexually aggressive seventeen year old male child (referred to herein as KS) placed in their therapeutic level foster care home from March 29, 2012 to October 16, 2015. A safety plan was signed by both Camelot Community Care and Mrs. Arias shortly after placement, on April 11, 2012. The plan was updated and signed by Mrs. Arias multiple times. In each instance, the plan was altered due to updated safety assessments of the child. The most recent version of the safety plan was signed by Mrs. Arias on October 8, 2014. The safety plan was reviewed regularly during therapeutic home visits. These reviews are signed by Ms. Arias. Dates of these reviews in 2015 are January 8th, 13th, 21st, and 22nd; February 4th, 10th, 19th, and 24th; March 3rd, 17th, 24th, and 31st; April 7th, 15th, 21st, and 29th; May 10th and 26th; June 2nd and 11th.

The safety plan in effect at the time of the incident states "Client needs to be within eyesight and earshot of a responsible adult, who is aware of and will enforce the safety plan at all times." The client, KS, is diagnosed with Attention Deficit Hyperactivity Disorder: Combined Type, Post-Traumatic Stress Disorder by History, and History of Sexual Abuse of Child. In addition to this diagnosis, the client has a history of suicidal ideation, homicidal ideation, runaway, physical aggression, sexually acting out, harming animals, and destroying property. The safety plan was in place to ensure protect both the youth and others around him.

On May 28, 2015 Mrs. Arias took the teenage child to a public place in the community and failed to maintain the level of supervision required by the safety plan. As a result of Mrs. Arias' violation of the safety plan the foster child sexually assaulted a woman. The teenage male child was subsequently arrested by the Port St. Lucie Police Department for the assault. Foster Care Special Conditions referral #2015-146719-01 was generated on May 29, 2015 as a result of the incident. When the special conditions referral was investigated and reviewed, the incident was then reported to Florida's abuse reporting hotline as an institutional abuse investigation on June 30, 2015. This was recorded as intake #2015-176345-01. The findings of this investigation were verified for Inadequate Supervision in regard to Mrs. Arias, based upon Mrs. Arias' lack of supervision of the youth and failure to adhere to the child's safety plan.

After this finding, Mr. and Mrs. Arias were presented with a written Corrective Action Plan, as required by section 65C-13.034, Florida Administrative Code:

- Section 65C-13.034 (4) Florida Administrative Code states:

Investigations, "When the supervising agency or regional licensing authority is notified of an investigation a staffing shall be coordinated according to local protocol. If licensing violations are found which do not pose an immediate threat to the health, safety, or well-being of the child, the supervising agency shall prepare a written corrective action plan to correct the deficiencies. The plan shall be developed by the supervising agency in conjunction with the licensed out of home caregivers and shall be approved by the Regional Licensing Authority."

- Section 65C-13.035 Florida Administrative Code states:
(4) Administrative Action for Existing Family Foster Homes

...

(b) "If licensing violations are found which do not pose an immediate threat to the health, safety or welfare of the children, the supervising agency shall prepare a written corrective

action plan to correct the deficiencies. The plan shall be developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the Regional Licensing Authority.”

- Additionally, as outlined in section 65C-13.035(4)(c) “Written notification shall be sent to the licensed out of home caregiver that specifies the deficiency, expected corrective action, time frame for completion, and that failure to comply within the time frame specified shall result in the license being suspended, denied, or revoked. **The approved corrective action plan shall be put in writing by the supervising agency and signed by the licensed out of home caregiver.**”
- Section 65C-13.035(4) (e) states: “Failure of the licensed out-of-home caregiver to timely comply with the corrective action plan may result in suspension, denial of licensure, or revocation of the license.”

In development of the Corrective Action Plan (CAP) consideration was given to Mr. and Mrs. Arias’ years of licensure, as well as the findings of the Department’s investigation of the incident. Department Licensing and Camelot Community Care made numerous attempts to work in partnership with Mr. and Mrs. Arias to resolve the issue. Mr. and Mrs. Arias refused to sign the CAP and have stated that they are not guilty of the allegations in the DCF report. In a further attempt to work in partnership with Mr. and Mrs. Arias to resolve the issue, Camelot Community Care offered to develop mutually agreeable language for the CAP to no avail. Mrs. Arias’ attorney contacted Camelot Community Care and stated Mrs. Arias believed that the CAP was improper and unwarranted. Despite multiple attempts, Mr. and Mrs. Arias have refused to work in partnership with the supervising agency and the department in developing and/or agreeing to a Corrective Action Plan.

- Section 65C-13.035(4) (g) Florida Administrative Code states:
“If the licensed out of home caregiver disagrees with the supervising agency’s recommendation, he or she may still request renewal of the license. The supervising agency shall accept the application and refer the licensed out of home caregiver’s file to the Regional Licensing Authority with a recommendation for denial.”
- The Partnership Plan for Out of Home Care (Form CF-FSP 5226) was signed by Mr. and Mrs. Arias on both August 20, 2013 and September 6, 2015.
- Section 1 of Form CF-FSP 5226 states: : “To ensure that the care we give our children supports their healthy development and gives them the best possible opportunity for success, caregivers and DCF, CBC, and agency staff will work together in a respectful partnership”.

- Section 2 of Form CF-FSP 5226 states: "All members of this partnership will behave professionally, will share all relevant information promptly, and will respect the confidentiality of all information related to the child and his or her family."
- Section 4 of Form CF-FSP 5226 states: "Excellent parenting is a reasonable expectation of caregivers. Caregivers will provide and DCF, CBC and agency staff will support excellent parenting. This requires a loving commitment to the child and the child's safety and well-being, appropriate supervision and positive methods of discipline, encouragement of the child's strengths, respect for the child's individuality and likes and dislikes, providing opportunities to develop the child's interests and skills, awareness of the impact of trauma on behavior, equal participation of the child in family life, involvement of the child with the community and a commitment to enable the child to lead a normal life."

As established above, a corrective action plan is required by Florida Administrative Code, Chapter 65C-13.034 and 65C-13.035 in order for Camelot Community Care to recommend re-licensure of the Arias home. Based on Mr. and Mrs. Arias' refusal to participate in the corrective action process, the community partner agencies must recommend denial of the request for re-licensure made by Mr. and Mrs. Arias. As such, it is the Department's intent to deny the application by Teddy and Kathleen Arias for renewal of foster home licensure for violating the child's safety plan [CFOP 175-88; Section 409.175(9) Florida Statutes], refusal to submit to a corrective action plan (Section 65C-13.034, 65C-13.035 Florida Administrative Code), and the family's refusal to work in partnership with the supervising agency and the Department (Section 65C-13.030 Florida Administrative Code; Form CF-FSP 5226.)

RIGHT TO ADMINISTRATIVE PROCEEDING

IF YOU BELIEVE THE PROPOSED ACTION DESCRIBED IN THIS ADMINISTRATIVE COMPLAINT IS IN ERROR, YOU MAY REQUEST AN ADMINISTRATIVE HEARING IN ACCORDANCE WITH THE ENCLOSED "NOTIFICATION OF RIGHTS UNDER CHAPTER 120, FLORIDA STATUTES"

Respectfully,



Dennis Miles
Regional Managing Director
Southeast Region

NOTIFICATION OF RIGHTS UNDER CHAPTER 120, FLORIDA STATUTES

IF YOU BELIEVE THE DEPARTMENT'S DECISION IS IN ERROR, YOU MAY REQUEST AN ADMINISTRATIVE HEARING UNDER SECTIONS 120.569 AND 120.57, FLORIDA STATUTES, TO CONTEST THE DECISION. YOUR REQUEST FOR AN ADMINISTRATIVE HEARING MUST BE RECEIVED BY THE DEPARTMENT BY 5:00, P.M., NO LATER THAN 21 CALENDAR DAYS AFTER YOU RECEIVED THE DEPARTMENT'S ADMINISTRATIVE COMPLAINT.

You must submit your request for an administrative hearing to the Department at the following addresses:

Laurel Hopper
Assistant Regional Counsel
Florida Department of Children and Families
337 N. U.S. 1 Highway
Fort Pierce, FL 34950

IF YOUR REQUEST FOR AN ADMINISTRATIVE HEARING IS NOT RECEIVED BY THE DEPARTMENT BY THE ABOVE DEADLINE, YOU WILL HAVE WAIVED YOUR RIGHTS TO A HEARING AND THE DEPARTMENT'S PROPOSED ACTION WILL BE FINAL. ANY DENIAL, SUSPENSION, REVOCATION OR OTHER ACTION CONCERNING YOUR LICENSE OR REGISTRATION WILL BE EFFECTIVE ON THAT DATE OR ON ANY LATER EFFECTIVE DATE STATED IN THE ADMINISTRATIVE COMPLAINT, AND ANY PENALTY OR FINE IMPOSED MUST BE PAID WITHIN 30 DAYS THEREAFTER OR ANY EARLIER TIME PROVIDED IN THE ADMINISTRATIVE COMPLAINT.

If you disagree with the facts stated in the Department's administrative complaint, you may request a formal administrative hearing under section 120.57(1), Florida Statutes. At a formal hearing, you may present evidence and arguments on all issues involved, and question the witnesses called by the Department. You have the right to be represented by counsel or other qualified representative.

If you do not disagree with the facts stated in the Department's administrative complaint, you may request an informal administrative hearing under section 120.57(2), Florida Statutes. At an informal hearing, you may present your argument or a written statement for consideration by the Department. You have the right to be represented by counsel or other qualified representative.

Your request for an administrative hearing must meet the requirements of Rule 28-106.2015(5), Florida Administrative Code, must be prepared legibly on 8½ by 11 inch white paper, and include all of the following items:

- (a) Your name, address, email address (if any) and telephone number.
- (b) The name, address, email address (if any) and telephone number of your attorney or qualified representative, if any.
- (c) A statement requesting an administrative hearing.
- (d) A statement of all facts in the administrative complaint with which you disagree. If you do not disagree with any of the facts stated in the administrative complaint, you must say so.
- (e) A statement of when and how you received the administrative complaint.

- (f) A statement identifying the file number of the administrative complaint, if shown on the administrative complaint.

Section 120.569, Florida Statutes, and rule 28-106.201(4), Florida Administrative Code, require the Department to dismiss your request for hearing if it is not in substantial compliance with the requirements above.

Mediation as described in section 120.573, Florida Statutes, is not available. However, other forms of mediation or informal dispute resolution may be available after a timely request for an administrative hearing has been received, if agreed to by all parties, and on such terms as agreed to by all parties. The right to an administrative proceeding is not affected when mediation or informal dispute resolution does not result in a settlement.